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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
ANTELOPE VALLEY GROUNDWATER
CASES,

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.

Wm Bolthouse Farms, Inc. v. City of
Lancaster

Diamond Farming Co. v. City of Lancaster

Diamond Farming Co. v. Palmdale Water
District,

AND RELATED ACTIONS

Judicial Council Coordination
Proceeding No. 4408

LEAD CASE: LASC Case No. BC 325201

**SETTLING PARTIES' AND
WATERMASTER'S REPLY TO THE
ZAMRZLAS' OBJECTIONS TO
REQUEST FOR STATEMENT OF
DECISION AND PROPOSED
STATEMENT OF DECISION**

The Hon. Jack Komar, Dept. 17
Santa Clara Case No. 105 CV 049053

Riverside County Superior Court
Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840
Kern County Superior Court Case
No. S-1500-CV-254348

1 **I. STATUS OF PROCEEDING**

2 The Settling Parties and Watermaster provide a brief background of the status of the
3 proceeding leading to their request that the Court adopt its order as a Statement of Decision.

4 The Court held a hearing on Johnny and Pamella Zamrzla's and Johnny Lee and Jeanette
5 Zamrzla's (collectively, "Zamrzlas") respective Motions to Set Aside or Modify the Judgment
6 (collectively, "Zamrzlas' Motions") on March 15-16, 2023. At the conclusion of the hearing, the
7 Court ordered the parties to file closing briefs. Following which, the Settling Parties and Watermaster
8 submitted a proposed order to the Court. The Court signed the Order Denying the Zamrzlas' Motions
9 to Set Aside or Modify the Judgment on June 9, 2023 ("Order").

10 During the March 2023 hearing, the Zamrzlas requested a Statement of Decision. (Transcript
11 of March 15, 2023, Hearing, at 40:8-15.) Accordingly, the Settling Parties and Watermaster requested
12 that the Court accept its Order as the Statement of Decision pursuant to Code of Civil Procedure
13 section 632, and provide the time as required under the California Rules of Court for the Zamrzlas to
14 file objections to the Statement of Decision. (Settling Parties' and Watermaster's Request to Deem
15 Court's June 9, 2023, Order As Its Statement of Decision, Pursuant to Code of Civil Procedure
16 Section 632, June 16, 2023.)

17 The Zamrzlas served their objections on June 30, 2023 ("Zamrzlas' Objections"). The Court
18 asked for a reply in a July 6, 2023, minute order, which the Settling Parties and Watermaster provide
19 herein. The Court intends to set a hearing once all papers are filed. (July 6, 2023, Minute Order.)

20 **II. THE COURT'S ORDER SATISFIES THE LEGAL STANDARDS FOR A**
21 **STATEMENT OF DECISION**

22 "The court shall issue a statement of decision explaining the factual and legal basis for its
23 decision as to each of the *principal* controverted issues at trial upon the request of any party appearing
24 at the trial." (Code Civ. Proc. § 632 [emphasis added]; California Rules of Court, Rule 3.1590(d)-(e).)
25 A principal issue is one that "is relevant and essential to the judgment and closely and directly related
26 to the trial court's determination of the ultimate issues in the case." (*Kuffel v. Seaside Oil Co.* (1977)
27 69 Cal. App. 3d 555, 565.) A court is not required to make findings on every subsidiary issue even if
28 a subsidiary issue is relevant to an ultimate issue. (*Id.*; see *Lynch v. Cook* (1983) 148 Cal.App.3d

1 1072, 1080.) Additionally, a court is “not required to address how it resolved intermediate evidentiary
2 conflicts, or respond point by point to [] various issues.” (*Muzquiz v. City of Emeryville* (2000) 79 Cal.
3 App. 4th 1106, 1126.) Rather, a statement of decision is sufficient when it “disposes of all the basic
4 issues in the case.” (*Bauer v. Bauer* (1996) 46 Cal. App. 4th 1106, 1118.) Objections that simply
5 reargue evidence are overruled. (See *Sec. Pac. Nat. Bank v. Chess* (1976) 58 Cal. App. 3d 555, 567–
6 68.)

7 Here, the Court’s Order, which the Settling Parties and Watermaster requested that the Court
8 adopt as its Statement of Decision, is sufficient to satisfy Code of Civil Procedure section 632. The
9 Zamrzlas’ Motions argued that (1) the Court has the power in equity to modify or set aside the
10 Judgment; (2) the Judgment should be set aside because the Zamrzlas did not receive notice and thus
11 were denied due process; (3) even if they had been served, service was defective; and (4) the Zamrzlas
12 do not meet the Small Pumper Class definition and should not be subject to its limits. (Memorandum
13 of Points and Authorities in Support of Johnny and Pamella Zamrzla’s Motion to Set Aside or Modify
14 the Judgment, April 11, 2022; Memorandum of Points and Authorities in Support of Johnny Lee and
15 Jeanette Zamrzla’s Motion to Set Aside or Modify the Judgment, April 11, 2022.)

16 The Court’s Order addresses each point with the Court concluding that: (1) it could not
17 exercise its equity powers to grant the relief requested by the Zamrzlas, [Order at p. 13-16]; (2) the
18 Zamrzlas were served with notice of the Small Pumper Class action by mail and/or publication, [Order
19 at p. 6-11]; (3) the Zamrzlas did not point the Court to any defects on the record, [Order at p. 11-13]
20 and (4) the Zamrzlas meet the Small Pumper Class definition, [Order at 4-6]. Thus, the Court has
21 addressed the principal issues and satisfied the standards required for a Statement of Decision. (See
22 Code Civ. Proc. § 632; *Bauer, supra*, 46 Cal. App. 4th at 1118.)

23 **III. RESPONSE TO THE ZAMRZLAS’ OBJECTIONS TO REQUEST FOR STATEMENT**
24 **OF DECISION AND PROPOSED STATEMENT OF DECISION**

25 The Zamrzlas’ Objections are a rehash of their prior unmeritorious arguments and do not raise
26 any deficiencies with the Court’s Order as a statement of decision. Accordingly, the Zamrzlas’
27 Objections must be overruled. (See *Sec. Pac. Nat. Bank, supra*, 58 Cal. App. 3d at 567–68.) The
28 Zamrzlas’ Objections, however, include several false statements which the Settling Parties and

1 Watermaster are compelled to correct, as they have had on several prior occasions. (See e.g., Settling
2 Parties' Closing Brief Re The Zamrzlas' Motions to Set Aside or Modify the Judgment, May 12,
3 2023, 15-20 [noting inconsistent testimony from Johnny Zamrzla regarding when he received a copy
4 of the Judgment and Pamella and Johnny Lee Zamrzla's inconsistent statements in testimony and
5 briefs about when they knew about the adjudication].)

6 1A. Zamrzlas' objection: *"Indeed, the Court itself acknowledged the Zamrzlas are not*
7 *small pumpers: 'I don't – I don't doubt that they should not have been a small pumper class member.*
8 *Okay. I don't doubt that at all. That seems to be something that's not really in dispute ..."* (Transcript
9 *of December 12, 2022 hearing, 31:25-32:4.) The tentative statement of decision now takes a contrary*
10 *position to the Court's own words."* (Zamrzlas' Objections at 6:9-13.)

11 1B. Response to objection: The Court's preliminary statement is taken out of context,
12 before the Court was able to assess the Zamrzlas' credibility under cross-examination and
13 mischaracterizes the disputes. The Court's statements were made at a December hearing on the
14 Zamrzlas' motions during which the Court stated there needed to be an evidentiary hearing with live
15 testimony. (Transcript of December 12, 2022, hearing, 32:3-25 to 33:1-11.) The Court did not think it
16 had enough evidence and wanted to hear live testimony before it made a decision as to whether or not
17 the Zamrzlas should be a non-party, and wanted to hear evidence as to how the Zamrzlas were named
18 to the Small Pumper Class. (*Id.*) Further, the Settling Parties and Watermaster subsequently
19 reinforced for the Court the Zamrzlas' status as Small Pumper Class members was in dispute.
20 (Transcript of Dec. 12, 2022, hearing, 32:14-19 [Watermaster informing Court that the Zamrzlas are
21 on the Small Pumper Class list and have known about it]; Transcript of Dec. 12, 2022, hearing, 38:16
22 to 42:14 [Settling Parties' counsel informing Court of dispute regarding Zamrzlas' status as Small
23 Pumper Class members]; Transcript of March 15, 2023, evidentiary hearing, 22:8 to 23:20 [Court
24 acknowledging dispute over whether the Zamrzlas pumping history met the Small Pumper Class
25 definition].)

26 2A. Zamrzlas' objection: *"The Tentative Statement of Decision incorrectly finds the*
27 *Zamrzlas are not entitled to relief in equity."* *"The Zamrzlas have responded to the adjudication with*
28 *diligence since they first became aware that it affected their water rights in 2018."* (Zamrzlas

1 *Objections at 6:19-20, 27-28.)*

2 2B. Response to objection: The Zamrzlas’ objection lacks candor and ignores admissions
3 made during trial. In addition to the numerous conversations the Zamrzlas had with neighbors
4 regarding the adjudication prior to entry of Judgment, Johnny Zamrzla admitted under cross-
5 examination that Norm Hickling provided him with a copy of the Judgment in 2016. (March 15, 2023,
6 Hearing Transcript, 194:18-197:7.) The Judgment included the Small Pumper Class Judgment as
7 Exhibit C, which included the list of known small pumpers, including Johnny and Pamella. (Ex. 22;
8 SP RJN Ex. 40; Ex. 21.) The Zamrzlas refuse to acknowledge this inconvenient fact because it
9 undermines their arguments. Not only did the Zamrzlas know that the Judgment affected their rights in
10 2016, they did nothing to set aside the Judgment until caught by the Watermaster. Worse, they
11 continue to mislead this Court about the state of their knowledge. The Court correctly determined that
12 they are not entitled to equity.

13 3A. Zamrzlas’ objection: “*It is undisputed that Johnny and Pamella Zamrzla were required*
14 *to be personally served.*” (*Zamrzlas’ Objections at 13:9-10.*)

15 3B. Response to objection: This has been consistently disputed as evidenced by the Settling
16 Parties and Watermaster’s briefing. (See e.g., Settling Parties’ Closing Brief Re The Zamrzlas’
17 Motions to Set Aside or Modify the Judgment, May 12, 2023, 31-33 [arguing that the Zamrzlas’
18 claims for personal service fail]; Watermaster’s Opposition to Motion to Set Aside or Modify
19 Judgment, Oct. 12, 2022, 4-5, 9-10 [refuting Zamrzlas’ claims that they were entitled to personal
20 service].) Johnny and Pamella meet the definition of Small Pumper Class members, were identified
21 class members, and were served by mail and publication, as reflected in the Judgment.

22 4A. Zamrzla objection: “*There is No Dispute that Johnny Lee and Jeanette Zamrzla Were*
23 *Never Served by Mail.*” (*Zamrzlas’ Objections at 14:4-5.*)

24 4B. Response to objection: Johnny Lee and Jeanette meet the definition of unknown Small
25 Pumper Class members and were served by publication, as set forth in the Order. (Order at 8-10.)

26 5A. Zamrzlas’ objection: “*None of these notices are intended to identify potential class*
27 *members and permit them to opt out of the litigation.*” (*Zamrzlas’ Objections at 15:5-6.*)

28 5B. Response to objection: Two of the three Small Pumper Class notices *required*

1 recipients to opt out of the class, and provided the process to opt out. (Exs. SPW 4 and 7.) The third
2 Small Pumper Class notice allowed recipients to lodge objections. (Ex. SPW 12.)

3 6A. Zamrzlas' objection: "The Settling Parties and Watermaster have provided no
4 evidence that the Zamrzlas were served by publication." And "offered two exhibits relevant to the
5 issue of service by publication." (Zamrzlas' Objections at 14:27-28; 16:19-21.)

6 6B. Response to objection: The Settling Parties and Watermaster offered at least 16
7 exhibits, which were admitted into evidence, showing that notice was proper in this case including
8 notice or service by publication. (March 15, 2023, Minute Order.)


9 **IV. CONCLUSION**

10 The Zamrzlas' Objections amount to nothing more than a rehash of their arguments mixed in
11 with false statements as has been their practice throughout this litigation. The Zamrzlas' Objections
12 fail to point to any deficiencies under Code of Civil Procedure section 632 in the Court's Order. Thus,
13 the Court should overrule the Zamrzlas' Objections and grant the Settling Parties' and Watermaster's
14 request to adopt the Court's Order as the Statement of Decision.

15 DATED: July 12, 2023

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
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22 DATED: July 12, 2023

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DATED: July 12, 2023

ELLISON, SCHNEIDER, HARRIS & DONLAN LLP

By:  for
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14 AND 20

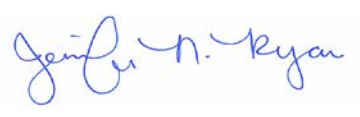
DATED: July 12, 2023

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 1331 Garden Hwy, 2nd Floor, Sacramento, CA 95833.

On July 12, 2023, I served true copies of the following document(s) described as **SETTLING PARTIES' AND WATERMASTER'S REPLY TO THE ZAMRZLAS' OBJECTIONS TO REQUEST FOR STATEMENT OF DECISION AND PROPOSED STATEMENT OF DECISION** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: By submitting an electronic version of the document(s) to the parties, through the user interface at avwatermaster.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 12, 2023, at Sacramento, California.



Sherry Ramirez